

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

EQT PRODUCTION COMPANY,  
A Pennsylvania corporation,

Plaintiffs,

v.

Civil Action No. 2:09-0289

RONNIE ANDERSON, a West Virginia resident, et al.

Defendants.

**PLAINTIFF'S MOTION TO DISMISS AMENDED COMPLAINT  
AGAINST DENNIS DEFILIPPO, DEBRA DEFILIPPO, DENNIS HAGY,  
TAMERA HAGY, KEMP LANDIS AND EURADA LANDIS**

Now comes EQT Production Company, by and through counsel, David K. Hendrickson and Stephen E. Hastings of Eckert Seamans Cherin & Mellott, PLLC, and pursuant to Rule 41 of the Federal Rules of Civil Procedure does hereby request this Honorable Court to dismiss the claims against Dennis DeFilipp, Debra DeFilippo, Dennis Hagy, Tamera Hagy, Kemp Landis and Eurada Landis from this action, without prejudice.

In support of this Motion, Plaintiff states Dennis Hagy and Tamera Hagy were previously dismissed from the original Complaint after the filing of a motion to amend and were included in the now operative Amended Complaint. It is proper for these Defendants to be dismissed from this action. Defendant, Kemp Landis is deceased and the remaining Defendants named herein no longer object to Plaintiff conducting the seismic survey upon their property. For these reasons, all these Defendants should be dismissed, without prejudice.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to GRANT its Motion and to award any further and general relief as this Honorable Court may deem proper and appropriate under the circumstances.

**EQT PRODUCTION COMPANY,  
By Counsel**

/s/ *Stephen E. Hastings* 6/18/2009

**David K. Hendrickson, Esq. (W.Va. Bar No. 1678)**

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**CERTIFICATE OF SERVICE**

I, Stephen E. Hastings, counsel for Plaintiff, do hereby certify that I have this 18<sup>th</sup> day of June, 2009, served the foregoing **“PLAINTIFF’S MOTION TO DISMISS AMENDED COMPLAINT AGAINST DENNIS DEFILIPPO, DEBRA DEFILIPPO, DENNIS HAGY, TAMERA HAGY, KEMP LANDIS AND EURADA LANDIS”** by delivering a true and exact copy thereof, via electronic format, through the Court’s CM/ECF system, or, via U.S. Mail, first-class, postage pre-paid to the remaining Defendants at their last known address or the address of their counsel:

/s/ Stephen E. Hastings  
**Stephen E. Hastings, Esquire**